

REMARKS

This Amendment filed in response to the Final Office Action dated December 3, 2005, accompanied by an extension of time for three (3) additional months is timely filed within the six (6) month time period for response, which time period is set to expire May 3, 2005. Reconsideration of this application is requested in view of the foregoing amendments and the following remarks.

This Amendment is accompanied by a request for continued examination and its requisite fee. Accordingly, applicants kindly request withdrawal of the finality of the Office Action.

Before this amendment, claims 1-17 have been pending. Applicants have amended claims 1-2 and 4. Claims 8-17 are withdrawn from consideration pursuant to a previous election of species. Claims 1-7 are as currently amended are at issue in this response.

Support for the Amendment to claims 1 and 4 are found in the Examples. Support for the amendment to claim 2 is found on paragraph 27. Thus, no new matter has been added by this amendment.

Rejection under 35 USC 112

Claim 2 has been rejected as failing to comply with the written description requirement. The Examiner has asserted that applicants have substituted trade names that are not found in the original application. Applicants believe that all trade names substituted corresponded to a trademarked product previously listed in the claims. Nonetheless, to avoid confusion and doubt, applicants have amended claim 2 in a manner that makes the rejection of claim 2 now moot.

Rejection of Claims Under 35 U.S.C. 103

Applicants respectfully traverse the rejection of claims 1, 3, 4 and 6 under 35 USC 103(a) as being unpatentable in view of U.S. Patent No. 6,228,323 (Asgharian); claims 1 and 3-7 in view of US Publ. No. 2002/0115578 (Groemminger) and claim 2 in view of Asgharian and Groemminger and U.S. Patent No. 5,209,865 (Winterton).

Applicants have previously addressed the rejection of these claims in its previous response. To avoid repeating these Arguments, applicants incorporate the arguments in the previous response into this response in its entirety. Applicants will address the points raised in the Examiner's Response to Arguments.

The Examiner has raised issues about the data supporting the unexpected results. The data provided in the application is believed to be complete as it pertains to the particular tests reported. That is, no data was omitted where such data was available. Based upon information and belief, the tests have different sampling patterns because the tests were not originally done for side-by-side comparisons. However, applicants discovered upon reviewing the data that Alexidine was clearly more stable in a PET bottle than high density polyethylene. The claims have been amended to be consistent with the scope supported by the Alexidine-related data. Thus, applicants assert that the present is in condition for allowance. An early and favorable action on the merits is solicited.

Respectfully submitted,



Paul T. Lavoie
Attorney for Applicants
Registration No. 38,681

Dated: May 2, 2006

BAUSCH & LOMB INCORPORATED
One Bausch & Lomb Place
Rochester, NY 14604-2701
Telephone: (585) 338-6353
Facsimile: (585) 338-8706
Email: Paul.T.Lavoie@bausch.com